IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

OP.No. 4431 of 1999(C)

PETITIONER:

K.E.BABY, S/O.ESSY,
KAZHANJIKAKATHU, AROOR VILLAGE,
CHERTHALA TALUK.

BY ADV. SRI.P.J.JOSEPH PANIKKASSERY

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, GOVERNMENT OF KERALA, TRIVANDRUM.**

2. **AROOR GRAMA PANCHAYATH SPECIAL GRADE REPRESENTED BY SECRETARY, AROOR GRAMA PANCHAYATH, AROOR P.O., CHERTHALA.**

3. **HEALTH SERVICE DIRECTOR, TRIVANDRUM.**

BY ADV. SRI.S.CHANDRASENAN for R2
SRI.P.K.SOMARAJAN
BY GOVERNMENT PLEADER SMT. K.R. DEEPA for R1 & R3

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.7531/1999 IN O.P.NO.4431/1999 C

DISMISSED

20/06/2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF DECISION OF PANCHAYATH DTD. 26/07/97.**

EXT.P2: **COPY OF CERTIFICATE DTD. 2/06/98.**

EXT.P3: **COPY OF BILL DTD. 2/06/98.**

EXT.P4: **COPY OF DECISION OF PANCHAYATH DTD. 2/02/99.**

EXT.P5: **COPY OF NOTICE DTD. 12/02/1999.**

/TRUE COPY/

KSS

KURIAN JOSEPH J.

O.P. NO.4431 OF 1999

Dated 20th June, 2007.

J U D G M E N T

Petitioner is aggrieved by the decision taken by the second respondent Grama Panchayath dated 2.2.1999 cancelling the permission granted for setting up a public telephone booth. Learned Government Pleader as well as the counsel for the Panchayat submits that because of the telephone booth, the Health Centre is not able to function smoothly. The challenge is only on the notice pursuant to the decision dated 2.2.1999. Learned counsel for the Panchayat submits that the petitioner had in fact approached the Panchayat itself and the request has been rejected. Be that as it may, in view of the submission made by the petitioner that he is a blind person, he may approach the Panchayat for re-location of the telephone booth, in which case, the request will be duly considered by the Panchayat. Without prejudice to such liberty, this writ petition is dismissed. The petitioner will on his own remove the telephone booth within a month from today, if not, it will be open to the second respondent to demolish the same.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO.4431 OF 1999 (C)

J U D G M E N T

Dated 20th June, 2007.